



Patent  
Attorney's Docket No. 032865-014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                              |   |                            |
|------------------------------|---|----------------------------|
| In re Patent Application of  | ) | <b>MAIL STOP ISSUE FEE</b> |
| Shintaro Shimogori et al.    | ) | Group Art Unit: 2183       |
| Application No.: 10/053,737  | ) | Examiner: Eric Coleman     |
| Filed: January 24, 2002      | ) | Confirmation No.: 4236     |
| For: DATA PROCESSING SYSTEM, | ) |                            |
| DATA PROCESSING APPARATUS    | ) |                            |
| AND CONTROL METHOD FOR A     | ) |                            |
| DATA PROCESSING APPARATUS    | ) |                            |

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On May 25, 2005, the U.S. Patent and Trademark Office mailed a Notification of Abandonment in the above-identified application. The Notification indicated that Applicants allegedly failed to timely pay the required Issue and Publication Fees mailed January 18, 2005.

However, Applicants' attorney never received the Notice of Allowance. Attached is a print out from Applicants' Attorney's docket system reflecting the day that the Issue Fee was allegedly due. No entry was made. Also, a review of the file did not locate any relevant documents.

The Issue Fee and Publication Fee are submitted concurrently herewith.

Accordingly, the U.S. Patent and Trademark Office is respectfully requested to reconsider and withdraw the holding of abandonment.

In the event that there are any questions concerning this Response, or the application in general, the U.S. Patent and Trademark Office is respectfully requested to contact the undersigned attorney so that prosecution of the application may be expedited. In the event that any fees are required by this petition, the Commissioner may charge such fees to Applicants' Attorney's Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: 7-12-05

By: William C. Rowland

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| DUE | ACTION | CURRENT<br>EXTNS | EXTNS<br>REMAIN | REFERENCE# | TITLE / MARK | CLIENT | REG/SERIAL | ATTY1/ATTY2<br>PARA |
|-----|--------|------------------|-----------------|------------|--------------|--------|------------|---------------------|
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|        |                      |   |   |                           |            |  |                    |             |
|--------|----------------------|---|---|---------------------------|------------|--|--------------------|-------------|
| 18 Mon | Affidavit w/renewal  | 0 | 1 | Ext/6 Mnth                | 000401-025 |  | (US) 1,890,653     | PNM/FWH/--- |
|        |                      |   |   | <i>ltr. Send 2/2/05</i>   |            |  |                    |             |
| 18 Mon | SC - 1st OA          | 1 | 2 | Ext/1 Mnth                | 000409-016 |  | (US) 10/389,739    | PNM/MLS/--- |
| 18 Mon | Missing Parts (2 Mo) | 0 | 5 | Ext/1 Mnth                | 000500-380 |  | (US) 29/219,824    | RLG/MLW/NEW |
| 18 Mon | SC - 1st OA          | 0 | 3 | Ext/1 Mnth                | 001580-857 |  | (US) 10/389,743    | JAL/--/--   |
| 18 Mon | Check for Search Rpt | 0 |   | None                      | 001580-955 |  | (WO) US2004/002873 | JAL/--/--   |
|        |                      |   |   | <i>Status requested 1</i> |            |  |                    |             |
| 18 Mon | Response to OA       | 2 | 1 | Ext/1 Mnth                | 003300-920 |  | (US) 10/088,639    | BSD/DHY/--- |

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|---------------------------|----------------------|------------------|-----------------|---|--------------|--------|----------------------------|---------------------|
| <i>April continued...</i> |                      |                  |                 |   |              |        |                            |                     |
| 18 Mon                    | Check for Invitation | 5                | 1 Ex/1 Mnth     | 005618-013                                |              |        | (WO) US2004/023208         | JAL/---/DMB         |
|                           |                      |                  |                 | (reminder) awaiting f                     |              |        |                            |                     |
| 18 Mon                    | Affidavit w/renewal  | 0                | 1 Ex/6 Mnth     | 005631-304                                |              |        | (US) 1,889,590             | RLG/FWH/---         |
|                           |                      |                  |                 | Grace ltr. Send 3/4/0.                    |              |        |                            |                     |
| 18 Mon                    | Status Check         | 0                | None            | 006600-000                                |              |        |                            | GAH/FWH/---         |
|                           |                      |                  |                 | What is status of can<br>YOU PLEASE LET D |              |        | DOCKET SINCE 12/18/97? CAN |                     |
| 18 Mon                    | SC - 1st OA          | 0                | None            | 007198-423                                |              |        | (US) 09/954,041            | JAL/---/---         |
|                           |                      |                  |                 | Application was filed i                   |              |        | BASE DO A STATUS           |                     |
| 18 Mon                    | SC - 1st OA          | 2                | 1 Ex/2 Mnth     | 007198-527                                |              |        | (US) 10/463,762            | JAL/---/---         |
| 18 Mon                    | SC - 1st OA          | 2                | 1 Ex/2 Mnth     | 012679-091                                |              |        | (US) 10/463,676            | RLG/SMD/---         |
| 18 Mon                    | Response to OA       | 2                | 1 Ex/1 Mnth     | 012777-041                                |              |        | (US) 09/870,823            | PNM/RHL/---         |
| 18 Mon                    | SC - Status Check    | 3                | None            | 015978-020.001                            |              |        |                            | DRH/---/---         |
|                           |                      |                  |                 | what is the status of it.                 |              |        |                            |                     |
| 18 Mon                    | Inf Disclosure Stmt  | 6                | None            | 016660-215                                |              |        | (US) 10/815,674            | JAL/NEW/---         |
|                           |                      |                  |                 | FILE IDS UPON RECD                        |              |        |                            |                     |
| 18 Mon                    | Corrected Assign Due | 0                | None            | 016660-236                                |              |        | (US) 29/209,164            | JAL/---/---         |
| 18 Mon                    | SC - 1st OA          | 2                | 1 Ex/2 Mnth     | 016800-620                                |              |        | (US) 10/463,328            | NHS/---/---         |
| 18 Mon                    | SC - 1st OA          | 2                | 1 Ex/2 Mnth     | 016800-621                                |              |        | (US) 10/463,432            | NHS/---/---         |
| 18 Mon                    | SC- File Prior. Doc  | 0                | None            | 016800-631                                |              |        | (US) 10/621,361            | NHS/---/---         |
| 18 Mon                    | File Application     | 0                | None            | 016800-756                                |              |        | (US)                       | NHS/---/---         |
| 18 Mon                    | Status Check         | 3                | 3 Ex/1 Mnth     | 016921-125                                |              |        | (JP) 51466695              | TSR/MXM/---         |
| 18 Mon                    | Response to OA       | 3                | None            | 017750-555.001                            |              |        | (US) 10/706,988            | PCK/MDR/---         |
| 18 Mon                    | Inf Disclosure Stmt  | 3                | None            | 017753-154.001                            |              |        | (US) 10/965,905            | NHS/DHY/---         |
| 18 Mon                    | SC - 1st OA          | 0                | None            | 018656-268                                |              |        | (US) 10/098,504            | PNM/JAL/---         |
|                           |                      |                  |                 | Application was filed 3/1                 |              |        |                            |                     |

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|---------------------------|----------------------|------------------|-----------------|----------------|----------------------------------|--------|--------------------|---------------------|
| <i>April continued...</i> |                      |                  |                 |                |                                  |        |                    |                     |
| 18 Mon                    | Response to OA       | 0                | 3 Ex/1 Mnth     | 018775-809     |                                  |        | (US) 09/726,535    | PNMWWCR/---         |
| 18 Mon                    | SC - 1st OA          | 1                | 2 Ex/1 Mnth     | 018798-099.001 |                                  |        | (US) 10/321,483    | RLGWCRCR/---        |
| 18 Mon                    | SC - 1st OA          | 1                | 2 Ex/1 Mnth     | 018798-102.001 |                                  |        | (US) 10/321,487    | RLGWCRCR/---        |
| 18 Mon                    | Action Needed        | 4                | 1 Ex/1 Mnth     | 020327-022     | <i>Date of Importation net</i>   |        | (MX) 204808        | CAH/DRH/---         |
| 18 Mon                    | Inf Disclosure Stmt  | 2                | 1 Ex/1 Mnth     | 021269-022     |                                  |        | (US) 10/990,984    | CFW/TDB/NEW         |
| 18 Mon                    | SC - 1st OA          | 1                | 2 Ex/1 Mnth     | 021565-109.001 |                                  |        | (US) 10/321,434    | EHW/MKM/---         |
| 18 Mon                    | Affidavit w/renewal  | 0                | 1 Ex/6 Mnth     | 024944-141     | <i>Grace ltr. Send 4/3/05</i>    |        | (US) 1,890,487     | RLG/FWH/---         |
| 18 Mon                    | Secrecy Renewed?     | 0                | None            | 025220-005     | <i>Pending since 1996</i>        |        | is (US) 06/825,240 | RES/JAL/---         |
| 18 Mon                    | Secrecy Renewed?     | 0                | None            | 025220-012.001 | <i>Pending since 1985. H</i>     |        | is (US) 07/368,853 | RES/JAL/---         |
| 18 Mon                    | Secrecy Renewed?     | 0                | None            | 025220-027     |                                  |        | is (US) 07/081,815 | RES/JAL/---         |
| 18 Mon                    | Off Action Resp Due  | 1                | 1 Ex/6 Mnth     | 025550-118     | <i>Extension granted to 10</i>   |        | (CA) 1,203,448     | MB/---/---          |
| 18 Mon                    | SC - 1st OA          | 0                | None            | 027260-615     | <i>Application was filed 10.</i> |        | (US) 10/272,917    | PNW/EME/---         |
| 18 Mon                    | Response to OA       | 0                | 1 Ex/3 Mnth     | 027500-638     |                                  |        | is (JP) 201504/93  | RLG/JFG/---         |
| 18 Mon                    | SC - 1st OA          | 1                | 2 Ex/1 Mnth     | 029150-122     |                                  |        | (US) 10/321,498    | RLG/MLS/---         |
| 18 Mon                    | SC - 1st OA          | 1                | 2 Ex/1 Mnth     | 029150-123     |                                  |        | (US) 10/321,494    | RLG/MLS/---         |
| 18 Mon                    | SC - 1st OA          | 2                | 1 Ex/1 Mnth     | 029430-534     |                                  |        | (US) 10/295,918    | RGW/---/---         |
| 18 Mon                    | SC - Issue Notify    | 0                | None            | 029430-550     | <i>Issue fee was paid 5/18/</i>  |        | (US) 10/456,689    | RGW/---/---         |
| 18 Mon                    | Cor of Nlc of Record | 0                | None            | 029650-126     |                                  |        | (US) 10/312,010    | PNM/MLS/---         |

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|--------|----------------------|------------------|-----------------|------------|------------------------|--------|------------|--------------------|
| 18 Mon | SC - 1st OA          | 2                | 1 Ex/2 Mnth     | 029650-141 |                        | (US)   | 10/450,809 | PNM/MLS/---        |
| 18 Mon | SC - 1st OA          | 1                | 2 Ex/2 Mnth     | 029777-015 |                        | (US)   | 10/642,343 | RLG/AEK/---        |
| 18 Mon | Int Disclosure Stmt  | 3                | 2 Ex/1 Mnth     | 030681-704 | FILE IDS WITH MISS     | (US)   | 10/949,527 | CFW/NEW/---        |
| 18 Mon | Int Disclosure Stmt  | 0                | 3 Ex/1 Mnth     | 030681-763 |                        | (US)   | 11/035,742 | CFW/NEW/---        |
| 18 Mon | SC - 1st OA          | 0                | None            | 030682-112 | Application was filed. | (US)   | 10/098,452 | PNM/JAL/---        |
| 18 Mon | Notice of Appeal     | 0                | 3 Ex/1 Mnth     | 030705-169 |                        | (US)   | 09/806,439 | JAL/---/---        |
| 18 Mon | Affidavit w/renewal  | 0                | 1 Ex/6 Mnth     | 031038-058 |                        | (US)   | 1,890,086  | BPL/BN/...         |
| 18 Mon | Renewal Due          | 1                | None            | 031285-001 | Final reminder send :  | (US)   | 1,858,908  | BPL/.../...        |
| 18 Mon | Foreign Filing Due   | 0                | None            | 032058-382 |                        | (US)   | 78/501,314 | BNI/BJM/---        |
| 18 Mon | Possible MP reminder | 3                | None            | 032058-382 |                        | (US)   | 78/501,314 | BNI/BJM/---        |
| 18 Mon | Due Diligence Check  | 1                | None            | 032058-382 |                        | (US)   | 78/501,314 | BNI/BJM/---        |
| 18 Mon | Possible MP reminder | 2                | 1 Ex/1 Mnth     | 032058-418 |                        | (US)   | 78/519,260 | BNI/BJM/---        |
| 18 Mon | Due Diligence Check  | 0                | 1 Ex/1 Mnth     | 032058-418 |                        | (US)   | 78/519,260 | BNI/BJM/---        |
| 18 Mon | Final Rejection Resp | 0                | 3 Ex/1 Mnth     | 032221-026 |                        | (US)   | 10/200,524 | BSD/EME/---        |
| 18 Mon | Notice of Appeal     | 0                | 3 Ex/1 Mnth     | 032221-026 |                        | (US)   | 10/200,524 | BSD/EME/---        |
| 18 Mon | Notice of Appeal     | 0                | 3 Ex/1 Mnth     | 032264-054 |                        | (US)   | 09/709,323 | EJG/VNH/---        |
| 18 Mon | Final Rejection Resp | 0                | 3 Ex/1 Mnth     | 032264-054 |                        | (US)   | 09/709,323 | EJG/VNH/---        |
| 18 Mon | SC -File Application | 1                | 10 Ex/1 Mnth    | 032264-205 |                        | (US)   |            | EJG/MMH/---        |
| 18 Mon | SC - 1st OA          | 2                | 1 Ex/2 Mnth     | 032326-242 |                        | (US)   | 10/450,856 | JAL/---/---        |
| 18 Mon | SC - 1st OA          | 1                | 2 Ex/1 Mnth     | 032469-006 |                        | (US)   | 10/418,095 | TSR/DHY/---        |

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| DUE    | ACTION               | CURRENT<br>EXTNS | EXTNS<br>REMAIN | REFERENCE#     | TITLE / MARK         | CLIENT | REG/SERIAL | ATTY1/ATTY2<br>PARA |
|--------|----------------------|------------------|-----------------|----------------|----------------------|--------|------------|---------------------|
| 18 Mon | File Appln - 30 Mo   | 0                | None            | 032475-035     |                      | (US)   |            | RDH/---             |
| 18 Mon | Status Check         | 0                | None            | 032751-056     |                      | (US)   | 09/739,007 | NHS/TSR/SMD         |
| 18 Mon | SC -File Application | 7                | 4 Ex/1 Mnth     | 032842-166     |                      | (US)   |            | PCK/RJK/---         |
| 18 Mon | Inf Disclosure Stmt  | 2                | 1 Ex/1 Mnth     | 032879-029     |                      | (US)   | 10/990,985 | PNM/NEW/---         |
| 18 Mon | Foreign Filing Due   | 0                | None            | 033072-179     |                      | (US)   | 78/501,254 | BNJ/---/---         |
| 18 Mon | Possible MP reminder | 3                | None            | 033072-179     |                      | (US)   | 78/501,254 | BNJ/---/---         |
| 18 Mon | Final Rejection Resp | 2                | 1 Ex/1 Mnth     | 033099-002     |                      | (US)   | 09/715,539 | TSR/MXM/CLN         |
| 18 Mon | Notice of Appeal     | 2                | 1 Ex/1 Mnth     | 033099-002     |                      | (US)   | 09/715,539 | TSR/MXM/CLN         |
| 18 Mon | SC - Status Check    | 0                | None            | 033124-024     | HAS THE MOTION T     |        | 91159982   | BNJ/SLS/---         |
| 18 Mon | SC - Status Check    | 0                | None            | 033124-026     | HAS THE MOTION T     |        | 91159927   | BNJ/SLS/---         |
| 18 Mon | Missing Parts (2 Mo) | 4                | 1 Ex/1 Mnth     | 033639-018     |                      | (US)   | 10/917,538 | RDH/WNH/---         |
| 18 Mon | Notice of Appeal     | 2                | 1 Ex/1 Mnth     | 033679-040     |                      | (US)   | 09/782,915 | RLG/AEK/---         |
| 18 Mon | Inf Disclosure Stmt  | 3                | None            | 033771-006     |                      | (US)   | 10/511,555 | MAB/---/---         |
| 18 Mon | Response to OA       | 2                | 1 Ex/1 Mnth     | 033818-005     |                      | (US)   | 10/614,329 | AEK/---/---         |
| 18 Mon | Report due by        | 0                | None            | 033821-022     |                      |        |            | FWH/---/---         |
| 18 Mon | Due Diligence Check  | 1                | None            | 033964-001     |                      | (US)   | 76/436,388 | BNJ/---/---         |
| 18 Mon | Inf Disclosure Stmt  | 0                | 3 Ex/1 Mnth     | 034048-001,001 | Per TARR 2/18/05 - A | (US)   | 11/035,731 | JAL/---/---         |
| 18 Mon | Possible MP reminder | 0                | 3 Ex/1 Mnth     | 034193-017     |                      | (US)   | 78/549,134 | PCK/BNJ/---         |
| 18 Mon | Possible MP reminder | 0                | 3 Ex/1 Mnth     | 034193-018     |                      | (US)   | 78/549,138 | PCK/BNJ/---         |
| 18 Mon | Response due         | 0                | None            | 034255-040     | MESO SCALE'S RES     |        | B597569    | FWH/---/---         |

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|------------------------|----------------------|------------------|-----------------|------------|--------------|--------|-------------|---------------------|--|
| DUE                    | ACTION               | CURRENT<br>EXTNS | EXTNS<br>REMAIN | REFERENCE# | TITLE / MARK | CLIENT | REG/SERIAL  | ATTY1/ATTY2<br>PARA |  |
| April continued...     |                      |                  |                 |            |              |        |             |                     |  |
| 18 Mon                 | File Application     | 0                | None            | 034289-007 |              |        |             |                     |  |
|                        |                      |                  |                 |            |              | (US)   | JAL/NEW/--- |                     |  |
| 18 Mon                 | Missing Parts (2 Mo) | 0                | 5 Ext/1 Mnth    | 034296-014 |              |        |             |                     |  |
|                        |                      |                  |                 |            |              | (US)   | 10/906,142  | WCR/NEW/---         |  |
| 18 Mon                 | Missing Parts (2 Mo) | 0                | 5 Ext/1 Mnth    | 034296-015 |              |        |             |                     |  |
|                        |                      |                  |                 |            |              | (US)   | 10/906,143  | WCR/NEW/---         |  |
| 18 Mon                 | File Cont Appln      | 1                | 2 Ext/1 Mnth    | 034345-104 |              |        |             |                     |  |
|                        |                      |                  |                 |            |              | (US)   | JRB/---/--- |                     |  |
| Check PAIR to see stt. |                      |                  |                 |            |              |        |             |                     |  |
| 18 Mon                 | File CIP Appln       | 1                | 2 Ext/1 Mnth    | 034345-105 |              |        |             |                     |  |
|                        |                      |                  |                 |            |              | (US)   | JRB/---/--- |                     |  |
| Check PAIR to see stt. |                      |                  |                 |            |              |        |             |                     |  |